

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number	09/838,171
Filing Date	4/20/2001
First Named Inventor	TORII
Group Art Unit	2834
Examiner Name	Elkassabgi
Attorney Docket Number	02-046

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☒ Amendment / Response
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Appendix showing amendments to specification and claims
- ☐ Petition Routing Slip (PTO/SB/69) and Accompanying Petition To Convert a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Small Entity Statement
- ☐ Request of Refund

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter
- ☐ Additional Enclosure(s) (please identify below):

Remarks

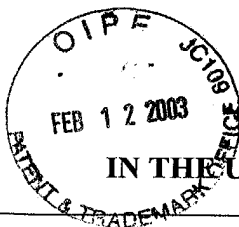
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Law Offices of David G. Posz
Signature	<i>James E. Barlow</i>
Date	12 February 2003

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I hereby certify that this correspondence is being hand delivered to and deposited with the USPTO at the Customer Service Window, Office of Initial Patent Examination, Crystal Plaza Building 2, Room 1B03, 2011 South Clark Place, Arlington, VA 22202 on the below-indicated date and is addressed to: Assistant Commissioner for Patents, Washington, DC 20231.

Type or printed name	James E. Barlow	Date	12 February 2003
Signature	<i>James E. Barlow</i>		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: TORII *et al.*

Serial No.: 09/838,171

Filed: 4/20/2001

Title: MOTOR HAVING
ROTATIONAL SENSOR

Atty. Dkt.: 02-046

Art Unit: 2834

Examiner: Elkassabgi

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Assistant Commissioner for Patents

Date: 12 February 2003

Washington, DC 20231

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Typed Name: JAMES E. BARLOW.

Signature: J. E. Barlow

REQUEST FOR RECONSIDERATION

Sir:

In response to the office action mailed 20 November 2003, please consider the following remarks.

The applicants note with appreciation the return of a copy of form PTO-1449, on which both items have been initialed by the examiner.

Claims 1, 2, 4-6, and 8-23 are pending. Claims 3 and 7 have been canceled. The summary page of the office action erroneously indicates that claims 1-6 and 8-23 are pending and that claims 3 and 7 have been withdrawn from consideration.

On February 11, the undersigned had an interview with examiner Elkassabgi and examiner Tamai. In that interview, the undersigned argued that the pin 91 could not correspond to the claimed coupling. Examiner Elkassabgi requested that the applicants submit a request for reconsideration, and she agreed to reexamine the claims in view of these arguments without making a final rejection. In addition examiner Elkassabgi agreed to clarify the sentence appearing on page 3 of the office action that says "Hamman discloses that the rotation of the shaft (58) is to the worm shaft (56) in order to prevent the transmission of the rotation of the shaft to the worm shaft."

Claims 1 and 22 stand rejected under 35USC 103 as being unpatentable over the patent to Tille *et al.* and further in view of the patents to Peck *et al.* and Hamman. On page 2 of the office action, the patent to Tille is said to disclose, among other things, a driving side rotor 15, a driven

side rotor, and a coupling member 91. Figure 2 of the Tille patent shows the coupler 91 to be merely a pin. However, claim 1 recites that the coupler includes the driving-side rotator and the driven-side rotator and that the driven-side rotator is drivingly engageable with the driving-side rotator. Therefore, the pin 91 of the Tille patent thus cannot correspond to the claimed coupling member, because the pin 91 does not include two parts that engage. This point was discussed at the interview.

The patent to Hamman was applied apparently in response to the final subparagraph of claim 1. This final subparagraph recites the feature that, when the motor is driven, the driven-side rotator is rotated with the driving-side rotator; however, loads applied to the output shaft 25 are not permitted to be transmitted from the driven-side rotator to the driving-side rotator. This is explained in more detail on pages 20-22 of the specification. The patent to Hamman fails to disclose a coupling member that transmits rotation of a rotatable shaft to a worm shaft and prevents transmission of rotation from the worm shaft to the rotatable shaft, as claimed.

Claim 22 includes language like that of claim 1 concerning the coupling member. Therefore, for the reasons given with respect to claim 1, the pin 91 of the Tille patent cannot correspond to the coupling member of claim 22. For these reasons, the applicants request reconsideration and withdrawal of the rejection of claims 1 and 22.

Claims 2 and 23 have been rejected under 35USC 103 as being unpatentable over the patent to Tille *et al.* and further in view of the patents to Peck *et al.* and Riven *et al.* Claims 2 and 22 both include a recitation of a coupling member that is similar or identical to that of claim 1. Therefore, the pin 91 of the patent to Tille cannot correspond to the claimed coupling member, and the applicants request reconsideration and withdrawal of the rejection of claims 2 and 22.

Claims 4 and 5 were rejected under 35USC 103 as being unpatentable over the patent to Tille *et al.* and further in view of the patent to Peck *et al.* Claims 4 and 5 depend directly or indirectly on claim 1. Therefore, for the reasons given above with respect to claim 1, claims 4 and 5 are believed to be patentable over any combination of prior art that relies on the pin 91 of Tille *et al.* as the claimed coupling member.

Note that claims 4 and 5 are rejected with fewer prior art references than their parent claim 1. This is thought to be an error.

Claim 8 was rejected under 35USC 103 as being unpatentable over the patent to Tille *et al.* and further in view of the patents to Peck *et al.* and Klappenback *et al.* Since claim 8 depends on claim 1, claim 8 is believed to be patentable for the reasons given with respect to claim 1. That is, the patent to Tille *et al.* fails to disclose the claimed coupling member as discussed in detail above.

Claim 8 depends on claim 1, but claim 8 has been rejected with fewer references than claim 1. Again, this is thought to be an error.


Claims 15 and 16 stand rejected under 35USC 103 as being unpatentable over the patent to Tille *et al.* and further in view of the patents to Peck *et al.* and Hamman and Riven *et al.* Claims 15 and 16 depend directly or indirectly on claim 1. Therefore, for the reasons given above with respect to claim 1, claims 15 and 16 are believed to be patentable over any combination of prior art that relies on the pin 91 of Tille *et al.* as the claimed coupling member.

Serial No. 09/838,171

In view of the above amendments and remarks, the present application is now believed to be in condition for allowance. A prompt notice to that effect is respectfully requested.

Please charge any additional unforeseen fees that may be due to Deposit Account No. 50-1147.

Respectfully submitted,


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